

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**JANUARY 22, 2013**

**CITY COMMISSION CHAMBERS @ 5:30 P.M.**

### **MINUTES**

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, January 22, 2013.

Mayor Gawron opened the meeting with a prayer from Pastor Tim Cross from the Living Word Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

#### **ROLL CALL FOR THE REGULAR COMMISSION MEETING:**

Present: Mayor Stephen Gawron, Vice Mayor Lawrence Spataro, Commissioners Byron Turnquist, Lea Markowski, Eric Hood, Willie German, and Sue Wierengo, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

#### **2013-03 HONORS AND AWARDS:**

**A. Norma DeYoung – President of Angell Neighborhood Association.**

**B. Lila DeYoung – Member of Angell Neighborhood Association.**

Mayor Warmington recognized Norma DeYoung and Lila DeYoung for their twenty-five years of service as members of the Angell Neighborhood Association.

#### **2013-04 CONSENT AGENDA:**

**A. Approval of Minutes.** CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the January 7<sup>th</sup> Commission Worksession Meeting and the January 8<sup>th</sup> City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

**D. Agreement for Service – Blood Alcohol Draws.** PUBLIC SAFETY

SUMMARY OF REQUEST: Muskegon Police Department utilizes Pro-Med Team Inc. to perform "blood alcohol draws", relating to arrested person(s) in order to determine blood alcohol content. The service shall be provided at a rate of \$75 per draw.

The agreement shall be for the calendar year of 2013, and can be terminated within a 30-day written notice. This has been our current service vendor in the past and present.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

**E. Termination of “Joint Agreement for Cooperative Programming and Facility Use Between City of Muskegon Department of Leisure Services and Muskegon Public Schools”.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: A joint agreement was entered into between the City and the Schools on May 26, 1998. The Agreement outlined usage of facilities between the entities. Since much of the Agreement is no longer relevant, termination of the Agreement is requested.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff requests that the City Commission terminate the Agreement, consistent with the “term” of the Agreement.

**Motion by Vice Mayor Spataro, second by Commissioner Hood to approve the Consent Agenda with the exceptions of items B, C, F, and G.**

**ROLL VOTE: Ayes: Markowski, Gawron, Hood, Spataro, German, Wierengo, and Turnquist**

**Nays: None**

***MOTION PASSES***

**2013-05 ITEMS REMOVED FROM THE CONSENT AGENDA:**

**B. Gaming License Request from The Foundation for Muskegon Community College, Inc.** CITY CLERK

SUMMARY OF REQUEST: The Foundation for Muskegon Community College, Inc., 221 S. Quarterline Road, Muskegon, MI, is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a Gaming License. They have been recognized as a 501(c)(3) organization by the State.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

**Motion by Vice Mayor Spataro, second by Commissioner Wierengo to approve the gaming license request from The Foundation for Muskegon Community College, Inc.**

**ROLL VOTE: Ayes: Gawron, Hood, Spataro, German, Wierengo, Turnquist, and Markowski**

**Nays: None**

***MOTION PASSES***

**C. Consideration of Bids for Clay Avenue, Fourth to Third. ENGINEERING**

SUMMARY OF REQUEST: Award the reconstruction of Clay Avenue from Fourth to Third and that section of Third Street between Western and Clay to McCormick Sand since they were the lowest responsible bidder with a total bid price of \$132,345.

Furthermore, if approved, authorize staff to amend the 2012/2013 CIP and increase the budgeted amount by \$45,000 for said project (from \$100,000 to \$145,000).

FINANCIAL IMPACT: The construction cost of \$132,345 plus engineering.

BUDGET ACTION REQUIRED: Amend the 2012/13 budget by increasing the allocated amount by \$45,000 in the CIP – Major Street.

STAFF RECOMMENDATION: Award the contract to McCormick Sand and authorize staff to amend the budgeted amount into the 12/13 CIP during the 2<sup>nd</sup> quarter reforecast.

**Motion by Commissioner Turnquist, second by Commissioner Wierengo to award the contract for Clay Avenue, Fourth to Third to McCormick Sand.**

**ROLL VOTE: Ayes: Hood, Spataro, German, Wierengo, Turnquist, Markowski, and Gawron**

**Nays: None**

***MOTION PASSES***

**F. Donating Obsolete Radio Equipment to Muskegon County Emergency Communication Services. PUBLIC WORKS**

SUMMARY OF REQUEST: Authorize staff to donate radio equipment that is no longer needed to MCECS, a non-profit organization.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to donate obsolete radio equipment.

**Motion by Commissioner Turnquist, second by Commissioner German to approve the donation of the obsolete radio equipment to Muskegon County Emergency Communication Services.**

**ROLL VOTE: Ayes: Spataro, German, Wierengo, Turnquist, Markowski, Gawron, and Hood**

**Nays: None**

## **MOTION PASSES**

### **G. Permanent Traffic Control Order – Remove Current 25 MPH Speed Limit Sign and Install a 30 MPH Speed Limit Sign. PUBLIC WORKS**

SUMMARY OF REQUEST: Authorize staff to remove the current 25 MPH speed limit sign and install a 30 MPH speed limit sign on west bound Marquette at or near Kraft Street.

FINANCIAL IMPACT: Cost of signs and man-power to install, if approved.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve request.

**Motion by Commissioner Markowski, second by Vice Mayor Spataro to approve the removal of the current 25 MPH speed limit sign and install a 30 MPH speed limit sign.**

**ROLL VOTE: Ayes: German, Wierengo, Turnquist, Markowski, Gawron, Hood, and Spataro**

**Nays: None**

## **MOTION PASSES**

### **2013-06 PUBLIC HEARINGS:**

#### **A. Establishment of a Commercial Rehabilitation District at 316 Morris Avenue. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Pursuant to public Act 210 of 2005, as amended, the Hinman Company has requested the establishment of a Commercial Rehabilitation District. The creation of the district will allow the building owner to apply for a Commercial Rehabilitation Certificate, which will freeze the taxable value of the building and exempt the new real property investment from local taxes. The school operating tax and the State Education Tax are still levied on the new investments. Land and personal property cannot be abated under this act.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Establishment of the Commercial Rehabilitation District.

The Public Hearing opened to hear and consider any comments from the public. Andy Wenslow, 1234 Hol Hi Drive, Kalamazoo, Director of Development with the Hinman Co., gave an explanation of the proposed project.

**Motion by Commissioner Turnquist, second by Vice Mayor Spataro to close the Public Hearing and approve the establishment of the Commercial Rehabilitation District at 316 Morris Avenue.**

**ROLL VOTE: Ayes: Wierengo, Turnquist, Markowski, Gawron, Hood, Spataro,**

and German

Nays: None

**MOTION PASSES**

**2013-07 NEW BUSINESS:**

- A. City of Muskegon Operations Management Contract: Smith Ryerson Community Center, Pastor Gregory M. Kirksey Picnic Shelter and Smith Ryerson Park Grounds. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: The Muskegon Recreational Center (MRC), Inc. has been managing the Smith Ryerson Community Center since July, 2006. The management has been successful, with many area youth (as well as others in the community) being served. However, those involved with the MRC would now like to turn over the management of the facility to New Hope Baptist Church. Mr. Ray, who has been the actual site manager of the facility, will continue to be site manager (he is a member of New Hope Baptist Church).

FINANCIAL IMPACT: The contract specifies that the Manager will receive its management fee through the revenue generated at the Center.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Contract and authorize the Director of Community & Economic Development and the City Clerk signatures.

**Motion by Vice Mayor Spataro, second by Commissioner Hood to approve the contract to operate the described facilities to New Hope Baptist Church and authorize the Director and City Clerk to provide their signatures.**

**ROLL VOTE: Ayes: Turnquist, Markowski Gawron, Hood, Spataro, German, and Wierengo**

**Nays: None**

**MOTION PASSES**

**PUBLIC PARTICIPATION:** Public comments were received.

**ADJOURNMENT:** The City Commission Meeting adjourned at 6:13 p.m.

Respectfully submitted,

Ann Marie Cummings, MMC  
City Clerk